

REMARKS

With entry of this amendment, claims 2, 5, 7, 8, 12, 13, 21, 24, 26, 27, 30, and 31 have been cancelled, and claims 38-49 have been newly added. As result, claims 1, 3, 4, 6, 9-11, 14-20, 22, 23, 25, 28, 29, and 32-49 are now pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1, 3, 4, 9-11, 15-20, 22, 23, 28, 29, and 33-37 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 5,772,248 ("Phillips"). Applicant respectfully traverses this rejection, since Scampini does not disclose each and every element required by these claims.

In particular, independent claims 1 and 20 have been amended to require that, when bearer information is overprinted on the reflective and diffusive layers, the reflective elements are configured for interfering with the bearer information on a copy of the document, thereby rendering the bearer information unreadable on the document copy. Claims 15 and 33 have not been amended, since they already require bearer information overprinted on the reflective and diffusive layers, wherein the reflective elements interfere with the bearer information on a copy of the document, thereby rendering the bearer information unreadable on the document copy. In contrast, Phillips does not expressly or inherently disclose that the overlay marker 10, to the extent that it is a reflective layer that is segmented into a plurality of reflective elements by the raised markings 15, interferes or would interfere with overprinted bearer information on a copy of the document, thereby rendering the bearer information unreadable on the document copy.

In particular, even if the "hidden message," as the Examiner concludes, could be considered bearer information, it is not overprinted onto the overlay marker 10. In addition, although the Examiner concludes that the hidden message of Phillips would be unreadable on a document copy, the Examiner has not shown how this could be. In fact, the reflectance exhibited by the latent message of Phillips would actually cause the latent message to turn black on a document copy, thereby resulting in a clearly readable message.

Furthermore, it is not clear whether the Examiner considers the small rectilinear surfaces between the relief markings 16 of Phillips as the reflective elements or the image structure 18 of Phillips as the reflective elements, but in either case, Phillips would still not include reflective elements that interfere with the bearer information on a copy of the document.

In particular, to the extent that the Examiner considers the small rectilinear surfaces between the relief markings as the reflective elements, they simply do not reflect. As clearly stated on col. 5, lines 4-25, the entire background structure, which includes the raised markings 15 and the small surfaces therebetween, provides a diffractive interference pattern. Thus, to say that the relief markings 15, on the one hand, form a diffusive background pattern, and the small surfaces therebetween, on the other hand, form reflective elements would be completely inaccurate. In addition, the small rectilinear surfaces are not visibly discernible, as required by the claims.

To the extent that the Examiner considers the image structure 18 as the reflective elements, they do not interfere with the latent message (presumably, as the bearer information) on a copy of the document. In fact, in this case, the reflective elements would be the latent message, so logically speaking, the bearer information cannot be overprinted onto itself, and the reflective elements cannot interfere with themselves.

In addition, claim 9 requires the diffusive background pattern to be non-black, and claims 10 and 28 require the diffusive background pattern to be white. Claims 18 and 36 require the bearer information to be black, and the diffusive background pattern to be non-black. Claims 19 and 37 require the diffusive background pattern to be white. Notably, the contrasting colors between the bearer information and the diffusive background pattern provide greater contrast for the bearer information, thereby allowing the bearer information to be more easily distinguished from the diffusive background pattern, and thus, more readable on the original of the document (see paragraph [00013] of the specification). In contrast, the Examiner has not shown that the relief markings 16 disclosed in Phillips are non-black or white. Notably, because Phillips does not intend that bearer information be overprinted onto the overlay marker 10, there would be no apparent reason to contrast such bearer information with a non-black or white background. While the Examiner does conclude that the reflective layer is shown as being non-black, it is shown this way due to the PTO's requirement that embodiments be illustrated with line drawings. There is no disclosure in Phillips that the raised markings 16 are non-black, and certainly, there is no disclosure that they are white.

Claims 11 and 29 further require at least a portion of the diffusive background pattern to be composed of a plurality of nano-characters. The relief markings 16 illustrated in Phillips are simply not disclosed as having nano-characters.

Thus, Applicant submits that claims 1, 15, 20, and 33, as well as the claims depending therefrom (claims 3, 4, 9-11, 16-19, 22, 23, 28, 29, and 34-37), are not anticipated by Phillips, and as such, respectfully request withdrawal of the §102 rejection of these claims.

#### Claim Rejections-35 U.S.C. §103

Claims 6, 14, 25, and 32 stand rejected under 35 U.S.C. §103, as being obvious over Phillips. Applicant respectfully traverses this rejection, since Scampini does not disclose each and every element required by these claims.

As stated above, Phillips does not disclose each and every element required by independent claims 1, 15, 20, and 33 from which claims 6, 8, 14, 25, 27, and 32 depend. Furthermore, claims 6 and 25 require the reflective layer to be disposed over the entirety of the substrate. Although the Examiner concluded that this would be an obvious design choice, Applicant disagrees, since there is no disclosure in Phillips that bearer information be overprinted onto the overlay marker 10. Rather, it appears that it was intended for any bearer information to be overprinted directly onto the substrate 11. Thus, there would be no reason or motivation to extend the entire overlay marker 10 over the entirety of the substrate 11.

#### Newly Added Claims

Applicant submits that newly added claims 38-49 are supported by the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons

as independent claims 1, 15, 20, and 33 from which they respectively depend are patentable over the cited prior art.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: 8/16/07

By: 

Michael J. Bolan  
Reg. No. 42,339

Customer No. 23410  
Vista IP Law Group LLP  
2040 Main Street, 9<sup>th</sup> Floor  
Irvine, CA 92614